

REMARKS

Favorable reconsideration of the present application in light of the following comments is respectfully requested. Claims 2-5 and 7-14 are pending.

In the outstanding Office Action Claims 2-5 and 7-14 were rejected as being unpatentable over Wong et al. (WO 99/03290, hereinafter "Wong") in view of Korpela (U.S. Patent Publication No. 2001/0031638).

As a preliminary matter, the undersigned appreciatively acknowledges the courtesy extended by Examiner Alam, who held an interview with the undersigned on April 2, 2009. During the interview, the undersigned explained the prosecution history and why Claim 4 distinguished over Wong and Korpela, and agreed to submit a Request for Reconsideration consistent with the discussion and remarks made in the amendment filed December 17, 2007.

As discussed in the interview, in the Advisory Action of November 13, 2007, the Advisory Action indicates that Claim 15 is obvious over Wong (in view of Korpela), despite the Office recognizing that Nishiyama et al. (U.S. Patent No. 7,085,564) is not valid prior art.

In reply, Applicants filed a response on December 17, 2007 in which Claim 4 was amended to include the subject matter of Claim 15.¹ In particular the response indicated that the Office recognizes that Wong fails to disclose counting means for counting the number of reselections between cells of different cell classes; and changing means for changing the relation between the types of cells and the cell classes. The Office Action relied on Korpela in its description of making cell reselection to N different cells and having a UE (10) initiate a detection/measurement procedure for larger neighboring cells. As such, Claim 4 was directed to a controller that changes the relation between cell types when the number of reselections counted by the counter exceeds a predetermined value, and also requires that the counter count the number of reselections between the cells in different cell classes. In

¹ The entire contents of the December 17, 2007 amendment being incorporated herein by reference in its entirety.

contrast, Korpela describes cells (e.g., macro cells) having a larger layer number to be reselected when the UE (10) travels above some speed threshold and makes cell reselection to N different cells on the same hierarchical layer. Thus, when the number of reselections between the cells of the same cell types exceed a predetermined value, the UE 10 reselects a cell of different cell type from the past. Accordingly, in Korpela, the user equipment 10 reselects a cell of a different cell type when the number of reselections between cells of the same cell type exceeds a predetermined value. This is different than claimed, as the claimed counter is configured to count the number of reselections between cells of different cell classes and then the controller changes the relation between cell types and cell classes when the number of reselections exceeds a predetermined value.² Accordingly, Wong in view of Korpela does not disclose all the features of Claim 4, and therefore, because Claims 2-3 and 10 dependent from amendment Claim 4 it is respectfully submitted that these claims also patentably define over Wong in view of Korpela.

In reply, another Office Action dated March 5, 2008 asserted that Wong in view of Korpela and in further view of Yagi, renders obvious Claim 4. However, this rejection was made because at page 6 of the Office Action dated March 5, 2008, the Office indicated that “however, Wong as modified by Korpela does not explicitly disclose reselection between cells of different cell classes”. However, as discussed during the interview, the present rejection from the Office Action of January 27, 2009, rejects each of the claims as being unpatentable over Wong in view of Korpela, which is the same rejection that the Office previously recognized as “Wong as modified by Korpela does not explicitly disclose reselection between cells of different cell classes”. Accordingly, for the reasons discussed above, and during the interview of April 2, 2009, Applicants request that the outstanding

² An example discussed during the interview was a person who stands on a train platform served by one cell, and then steps onto the train and is exposed to many cell reselections once the train starts moving.

rejection of Claims 2-5 and 7-14, be withdrawn, as the Office already recognizes that the independent claims patentably define over Wong in view of Korpela.

A Notice of Allowance is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)